

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

SECOND APPEAL NO.306 OF 2005.

WITH

CIVIL APPLICATION NO.1117 OF 2003.

Vasant Baban Aher & ors. : Appellants.

versus

Haribhau Baban Aher & ors. : Respondents.

Mr.Rajesh Parab for the appellants.

Mr.S.B.Shetye fr the respondents.

CORAM : D.G.DESHPANDE, J.

DATED : 18th August 2005.

ORAL ORDER

1. Heard advocates for the appellant and respondent. The appellant is the original defendant. A suit for possession and injunction was filed. It was decreed. The appeal of the appellant was dismissed. The counsel for the

appellant contended that the crucial question is, whether the appellant is liable to pay mense profit. If the possession of the appellant was found to be illegal and he did not hand over the possession in spite of demand, then as per the definition of word "Mense Profit", the appellant is liable to pay mense profit. There is no substantial question of law involved. Hence the appeal is dismissed along with the civil application.

[D.G.DESHPANDE, J]